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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/820,520	03/28/2001	Masato Yonezawa	07977/270001/US4820	5433	
7	590 04/14/2003				
SCOTT C. HARRIS Fish & Richardson P.C. 4350 La Jolla Village Drive, Suite 500			EXAM	EXAMINER	
			ALEJANDRO MULERO, LUZ L		
San Diego, CA	92122		ART UNIT	PAPER NUMBER	
			1763		

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action CoREADS20		Application N .	Applicant(s)				
Examin r Luz L Alejandro The REPLY FILED 08 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, Lurther action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.134. **PERIOD FOR REPLY** (check either a) or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.134. **PERIOD FOR REPLY** (check either a) or (1) the date set forth in the final rejection, whichever is later. In no final feed or the final feed of the final rejection, whichever is later. In no final feed of the	Advisory Action	09/820,520	YONEZAWA ET AL.				
THE REPLY FILED 08 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either. (1) a timely filled bandon of this application. A proper reply to a final rejection under 37 CFR 1.114. PERIOD FOR REPLY (check either a) or b)] a) The period for reply expires 3 months from the mailing date of the final rejection. The period for reply expires on. (1) the mailing date of the Advisory Action, or (2) the date set forft in the final rejection, whichever is later. In no event, however, with the stututory period for reply expires on. (1) the mailing date of the Advisory Action, or (2) the date set forft in the final rejection, whichever is later. In no event, however, with the stututory period for reply expires on. (1) the mailing date of the Advisory Action, or (2) the date set forft in the final rejection, whichever is later. In no event, however, with the stututory period for reply expires on. (1) the mailing date of the final rejection, whichever is later. In no event, however, with the stututory period for reply expires 3 months from the mailing date of the final rejection, whichever is later. In no event, however, with the stututory period for reply expires and under 3 CFR 1.136(a). The date on which the petition under 3 CFR 1.136(a) and the appropriate advisation from the mailing date of the final rejection, whichever is later. In no event, however, with the stututory period for reply originally set in his final Crifice sciency (2) as set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the final rejection, even if timely filed, may reduce any avaned patent time adjustment. See 3 CFR 1.736(b). 1 A Notice of Appeal was filed on	,, ,	Examin r	Art Unit				
THE REPLY FILED 08 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.13 may only be either. (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee), or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.134. PERIOD FOR REPLY (check either a) or b) The period for reply expires 3 menths from the mailing date of the final rejection. The period for reply expires 3 menths from the mailing date of the final rejection. The period for reply expires 3. The mailing date of the Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, with the stationy period for reply expires and the Advisory Action, or (2) the date set forth in the final rejection. Set MPEP (1) (1) (1) (1) (1) (1) (1) (1) (1) (1)		Luz L. Alejandro	1763				
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a) The period for reply expires 2_months from the mailing date of the final rejection, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will be statutory period for reply expire tast than \$IX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRSL REJECTION. See MPEP 700-100 from may be obtained under 37 CFR 1.136(a) The status of which the period for reply expinals the period for reply expinals the period of events of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRSL REJECTION. See MPEP 700-100 from the period of the period of events of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRSL REJECTION. See MPEP 700-100 from the period of the final rejection which the period of the period the final rejection for the final rejection (a) as a set of the final rejection of the final rejection (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any search gate the mailing date of the final rejection, even if timely filed, may reduce any search gate for the final rejection. (2) as east forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. The proposed amendment(s) will not be entered because: (a) The proposed amendment(s) will not be entered because: (b) The yraise the issue of new matter (see Note below); (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) Th	Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued						
b) The period for reply expires on: (1) the mailing date of this Adylasory Action, or (2) the date set forth in the final rejection. Whichever is lated. In no event, however, will be statutory period for reply expire late than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708 07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee where been filled is the date for purposes of determining the period of oxtensions and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.176(a) is calculated from: (1) the expiration date of the shortened statutory period for reply eiginally set in the final Office action; or (2) as set forth in (3) above, it cheeded. Any reply received by the Office laster than three months after the mailing date of the final office action; or (2) as set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 1 A Notice of Appeal was filled on Appellant's Brief must be filled within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2 The proposed amendment(s) will not be entered because: (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) they raise new issues that would require further consideration and/or search (see NOTE below); (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet 3 Applicant's reply has overcome the following rejection(s):	PERIOD FOR RE	PLY [check either a) or b)]					
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U.S. Patent and Trademark Office PTO-303 (Rev. 04-01)

Continuation She t (PTO-303) 009/820,520

Continuation of 2. NOTE: the added limitations to claim 1 raise new issues that would require further consideration and/or search.

Continuation of 5. does NOT place the application in condition for allowance because: In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See In re McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981) In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).